

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SHAW RAHMAN,

Plaintiff,

v.

CRYSTAL EQUATION, et. al.,

Defendants.

CASE NO. C13-218-MJP

ORDER GRANTING MOTION TO
DISMISS FOR LACK OF
PERSONAL JURISDICTION

This matter comes before the Court on Defendant Miles Muslin's motion to dismiss for lack of personal jurisdiction. (Dkt. No. 48.) Having considered the motion, Plaintiff's responses (Dkt. Nos. 51, 66), the reply (Dkt. No. 65), and all related papers, the Court GRANTS the motion and dismisses Mr. Muslin from the case.

Background

Plaintiff Shaw Rahman sues his former employer, Crystal Equation, alleging discrimination. He also sued Miles Muslin, an employee of Crystal Equation. Mr. Muslin is a

1 resident of the state of Illinois, where he lives and works. (Dkt. No. 49 at 1.) Mr. Muslin does
2 not own any property in Washington nor has he conducted business in Washington. (Id.)
3 Plaintiff's factual allegations against Mr. Muslin are limited in scope. Mr. Muslin is a recruiter
4 for Crystal Equation and spoke with Plaintiff regarding employment with Crystal Equation.
5 Crystal Equation provides contact services to Defendant AT&T. Plaintiff also alleges, Mr.
6 Muslin arranged his July 2011 travel to Atlanta, Georgia for work. (Dkt. No. 1-2 at 15.)
7 Plaintiff stayed in the Marriott Hotel in room 911. (Id.) Plaintiff alleges his placement in that
8 room number was discriminatory. (Id.)

9 Defendant Mr. Muslin moves to dismiss the complaint for lack of personal jurisdiction.
10 (Dkt. No. 48.)

11 Analysis

12 Mr. Muslin contends that the Court cannot assert personal jurisdiction over him because
13 the contacts he has to Washington and Plaintiff are simply too attenuated to satisfy due process.
14 (Dkt. No. 48.) Plaintiff concedes the Court lacks general jurisdiction over Mr. Muslin, but
15 asserts the contractual relationship between Crystal Equation and AT&T as well as his direct
16 contact with Plaintiff provide the basis for finding specific jurisdiction. (Dkt. No. 51.)

17 In order for the Court to exercise jurisdiction over a non-resident under Washington law
18 and the federal Due Process Clause, plaintiff must show that each defendant had "certain
19 minimum contacts with [Washington] such that the maintenance of the suit does not offend
20 traditional notions of fair play and substantial justice." Int'l Shoe Co. v. Washington, 326 U.S.
21 310, 316 (1945). In the Ninth Circuit, a three-part test is used to determine whether the
22 circumstances giving rise to the litigation provide sufficient forum-related contacts to justify the
23 exercise of personal jurisdiction:
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2 (1) [t]he non-resident defendant must purposefully direct his activities or
3 consummate some transaction with the forum or resident thereof; or perform
4 some act by which he purposefully avails himself of the privilege of conducting
5 activities in the forum, thereby invoking the benefits and protections of its laws;

6 (2) the claim must be one which arises out of or relates to the defendant's forum-
7 related activities; and

8 (3) the exercise of jurisdiction must comport with fair play and substantial justice,
9 i.e., it must be reasonable.

10 Schwarzenegger v. Fred Martin Motor Co., 374 F.3d 797, 802 (9th Cir. 2004.) The first
11 requirement is intended to ensure that a party has sufficient contacts with the forum state to
12 warrant his being haled into court there: “random, fortuitous, or attenuated contacts” are not
13 enough to satisfy the constitutional requirements. Ziegler v. Indian Country, 64 F.3d 470, 473
14 (9th Cir. 1995).

15 Here, the Court finds Plaintiff’s claims too attenuated for personal jurisdiction to exist.
16 Plaintiff asserts a discrimination claim against Mr. Muslin, a resident of Illinois, who he claims
17 (without any specificity) discriminated against him. Even looking to the scant allegation in the
18 complaint, one cannot reasonably infer Mr. Muslin could have reasonably anticipated these
19 acts—inquiring over the telephone about employment and booking travel arrangements—would
20 expose him to liability in Washington. Further, the alleged discrimination experienced by
21 Plaintiff occurred in Atlanta, Georgia, where he stayed in room 911. The Court cannot find that
22 that plaintiff’s discrimination claim arise out of Mr. Muslin's targeting of plaintiff (i.e., his
23 forum-related activities) and that the exercise of jurisdiction in these circumstances comports
24 with our traditional notions of fair play and substantial justice. The Court lacks personal
jurisdiction over Mr. Muslin and the claims against him must be dismissed.

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Conclusion

Because the Court lacks personal jurisdiction over Mr. Muslin, the Court GRANTS the motion and DISMISSES Plaintiff's claims against him.

The clerk is ordered to provide copies of this order to all counsel.

Dated this 17th day of September, 2013.



Marsha J. Pechman
Chief United States District Judge